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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,966	09/05/2003	Tetsuo Tsurusaki	TESD.0021	5667

38327 7590 04/19/2007
REED SMITH LLP
3110 FAIRVIEW PARK DRIVE, SUITE 1400
FALLS CHURCH, VA 22042

EXAMINER

MONTOYA, OSCHTA I

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/654,966	Applicant(s) TSURUSAKI ET AL.	
	Examiner Oschta Montoya	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/9/2006</u> , <u>12/4/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments on page 4 and 5 of the 02/05/2007 remarks, the newly added limitation is met by the Alexander reference as described below.

The newly added limitation "said recording means continuously performing said recording operation according to said one set-up timer reservation program" continues to be met by Alexander as described below. The applicant argues that Alexander fails to teach or suggest setting up another one timer recording operation program while recording, however the examiner respectfully disagrees because Alexander teaches that the EPG compares the newly received record instruction to as yet incompletely executed meaning that is capable of received another reservation while continuously recording (Col. 12, lines 57-60).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander et al., US 6,177,931.

Regarding claim 1, Alexander discloses a recording/reproducing apparatus comprising a reservation means for setting up a timer reservation program (Col. 7, lines 57-60),

a recording means for performing recording operation on the basis of one set-up timer reservation program (Col. 7, lines 62-65), and

an additional reservation means for concurrently setting up another one timer reservation program while said recording means continuously performing said recording operation according to said one set-up timer reservation program (Col. 7, lines 57-60, fig. 6, Col. 12, lines 57-60).

Regarding claim 2, Alexander discloses the recording/reproducing apparatus claimed in Claim 1, wherein said additional reservation means sets up a recording start time on the basis of an end time of a program currently in the course of recording (Col. 12, lines 60-65).

Regarding claim 3, Alexander discloses the recording/reproducing apparatus claimed in Claim 1, wherein said additional reservation means sets up a new timer reservation program by displaying a timer reservation program currently in the course of recording and correcting said timer reservation program (Col. 12, lines 57-64).

Regarding claim 4, Alexander discloses the recording/reproducing apparatus claimed in Claim 1, wherein said additional reservation means sets up a timer reservation on the basis of an input code information (Col. 31, lines 48-53).

Regarding claim 5, Alexander discloses the recording/reproducing apparatus claimed in Claim 1, wherein said additional reservation means sets up a timer reservation program by displaying a timer reservation program currently in the course of recording and correcting said timer reservation program, and said recording means continues recording on the basis of said corrected timer reservation program (Col. 13, lines 13-22, fig. 6).

Regarding claim 6, Alexander discloses the recording/reproducing apparatus claimed in Claim 2, wherein said additional reservation means sets up a timer reservation program by displaying a timer reservation program currently in the course of recording and correcting said timer reservation program, and said recording means continues recording on the basis of said corrected timer reservation program (Col. 13, lines 13-22, fig. 6).

Regarding claim 7, Alexander discloses the recording/reproducing apparatus claimed in Claim 3, wherein said additional reservation means sets up a timer reservation program by displaying a timer reservation program currently in the course of recording and correcting said timer reservation program, and said recording means

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continues recording on the basis of said corrected timer reservation program (Col. 13, lines 13-22, fig. 6).

Regarding claim 8, Alexander discloses the recording/reproducing apparatus claimed in Claim 4, wherein said additional reservation means sets up a timer reservation program by displaying a timer reservation program currently in the course of recording and correcting said timer reservation program, and said recording means continues recording on the basis of said corrected timer reservation program (Col. 13, lines 13-22, fig. 6).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oschta Montoya whose telephone number is (571) 270-1192. The examiner can normally be reached on Monday/Friday 7:30 to 5:00 off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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OM

A handwritten signature in black ink, appearing to read 'Chris Grant', is positioned above the printed name.

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600